

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussions is respectfully requested.

Claims 22, 24-28 and 30-36 are pending in the present application. Claims 4-12 and 29 have been cancelled, and claim 36 has been added by the present Amendment.

In the outstanding Office Action, the drawings were objected to; the claims were rejected under 35 U.S.C. §§ 102 and 103 (items 1-8); and there were several rejections of the claims under the judicially created doctrine of obviousness-type double patenting.

Regarding the objection to the drawings, FIG. 1 has been labeled "Conventional Art." Accordingly, it is respectfully requested the objection to the drawings be withdrawn.

Further, regarding the several rejections of the claims noted in items 1-8 under 35 U.S.C. § 103, it is respectfully noted the office action relies on Lee et al. (US Patent No. 6,404,712 B1) and Kim (US Patent No. 6,646,965 B1) in items 1 and 5-8. However, as noted in the previously filed response, Kim and the presently claimed invention were, at the time the invention was made, owned by the same assignee. More specifically, Kim is assigned by LG Electronics, Inc. as indicated on the first page of the patent. The presently claimed invention is also assigned to LG Electronics Inc. The assignment has been properly recorded at the USPTO on September 18, 2000; reel number 011132, frame number 0795. Similar comments apply to Lee et al. Thus, according to 35 U.S.C. § 103(c), Kim and Lee et al. cannot be used to reject the present claims under 35 U.S.C. 103(a). Therefore, all of these rejections should be withdrawn.

Regarding the other rejections, the office action primarily relies on Takahashi as teaching the claimed invention. In more detail, the office action indicates Takahaski teaches recording a recording condition data including the optimum recording power, recorder identification, recording speed and write strategy on a specific area of the optical recording medium and cites column 3, line 60+.

However, as indicated in the previously filed response, Takahaski does not teach or suggest recording a "recording speed and write strategy" as required by independent claim 22 or "recording power... and write strategy for the specific recording speed" as required by independent claims 28 and 29. Rather, Takahaski merely teaches in column 3, line 60+ "[a]t a

step S12, the laser power controller 3 is controlled so that the power of the laser radiated from the pick-up to is set to an optimum value for recording information on the disk 1. At a step S13, the ID information of the system and the optimum power setting parameter are recorded on the power setting information recording area PRECm corresponding to the test area TESTm.” There is no description in this section nor in any part of Takahaski about a recording speed and write strategy as discussed above. The other secondary references cited by the office action also do not teach or suggest these features.

Accordingly, it is respectfully submitted independent claims 22, 28 and 29 and each of the claims depending therefrom are allowable.

Further, in the office action at page 3, the office action indicates claims 22 and 28 are duplicate claims. However, as discussed in the previously filed response, these claims are patentably distinct from each other (see the previously filed response for details).

Also, regarding the multiple rejections of the claims under the judicially created doctrine of obviousness-type double patenting, it is respectfully noted a terminal disclaimer was already filed in the previously filed response, which renders these rejections moot.

Further, new dependent claim 36 has been added to set forth the invention in a varying scope, and Applicant submits the new claim is supported by the originally-filed application. It is respectfully submitted new dependent claim 36 further defines over the applied art.

In addition, it is respectfully requested this amendment be entered as no claims have been amended and it is believed this application is in condition for allowance. Further, the previously filed response included similar comments as discussed above, which have not been addressed. That is, regarding the previous comments that Takahashi do not teach or suggest the features recited in the independent claims, the office action again relied on the same section of Takahashi as in the previous office action.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone David A. Bilodeau, Registration No. 42,325, at (703) 205-8072, in the Washington, D.C. area.

Application No. 09/664,360
Amendment dated January 26, 2006
Reply to Office Action of October 27, 2005

Docket No.: 3449-0132P
Art Unit: 2653
Page 7 of 7

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 26, 2006

Respectfully submitted,

By Esther H. Chong
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant



"Marked-Up Copy"

REPLACEMENT SHEET

Fig. 1
CONVENTIONAL ART

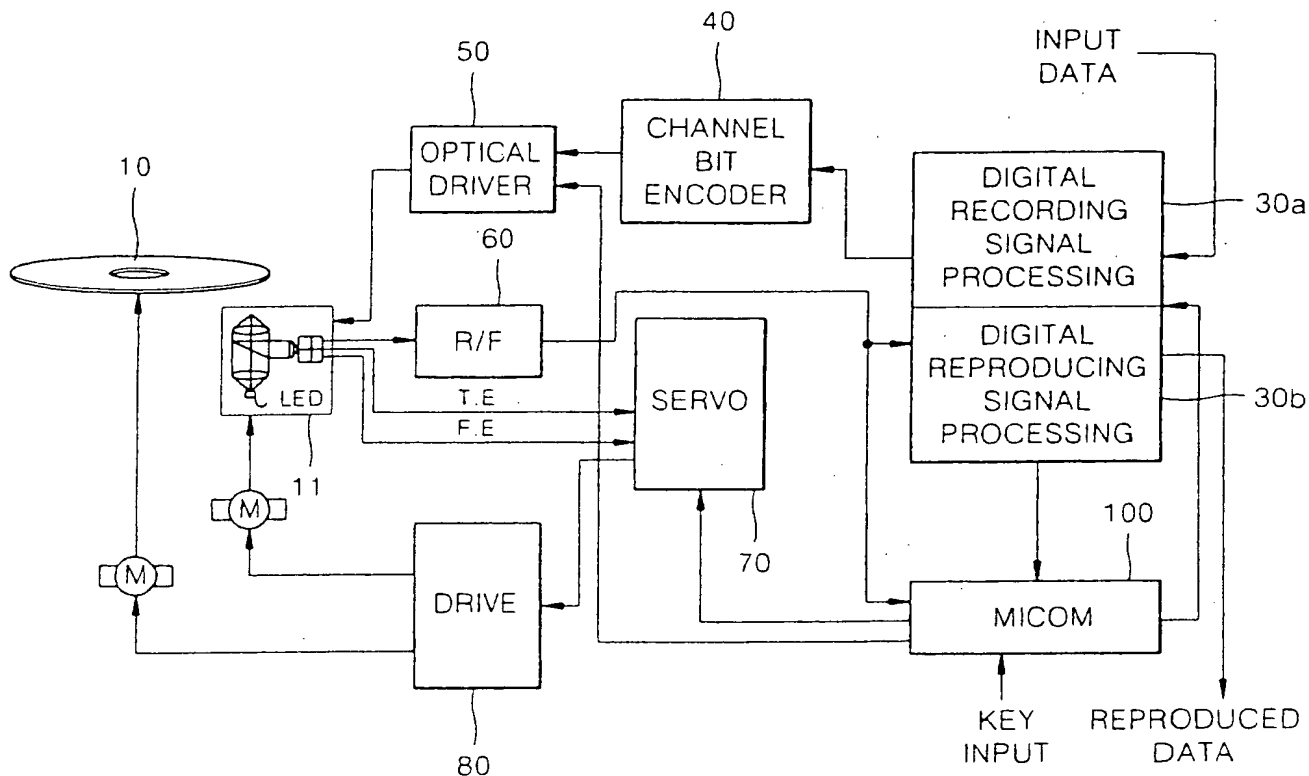
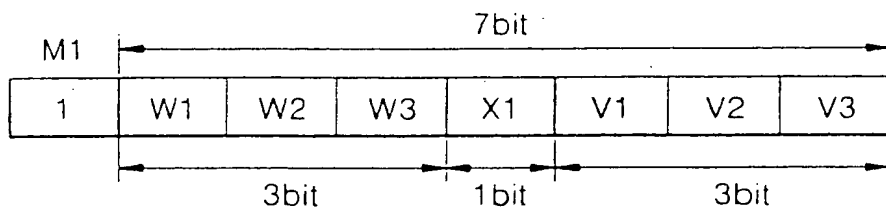


Fig. 2
CONVENTIONAL ART



'Minute' Byte when M1 : S1 : F1 = 101

W1, W2, W3	= 000	→	$P_{ind} = 5mw$
	= 001	→	$P_{ind} = 6mw$
	= 010	→	$P_{ind} = 7mw$
	= 011	→	$P_{ind} = 8mw$
	= 100	→	$P_{ind} = 9mw$
	= 101	→	$P_{ind} = 10mw$
	= 110	→	$P_{ind} = 11mw$
	= 111	→	$P_{ind} = 12mw$

{ W1, W2, W3 : Indicative Target Writing Power(P_{ind})
 X1 : Reserved Future Extensions(=0)
 V1, V2, V3 : Reference Speed

BEST AVAILABLE COPY